

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WALI SEKOU HAMANI,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civ. No. 15-6424 (RBK)

MEMORANDUM AND ORDER

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix in Fort Dix, New Jersey. He has filed an application for leave to file a second or successive motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255.

It appears as if petitioner's application arrived at this Court in error. Petitioner's application recognizes that it needs to be mailed to United States Court of Appeals for the Third Circuit. (*See* Dkt. No. 1-2 at p. 3.) Indeed, it is up to the Third Circuit to decide whether or not to grant petitioner leave to file a second or successive § 2255 motion, not this Court. *See* 28 U.S.C. § 2255(h). Therefore, this matter will be transferred to the United States Court of Appeals for the Third Circuit so that it can consider petitioner's application in the first instance.

Accordingly, IT IS this 2nd day of September, 2015,

ORDERED that the Clerk shall transfer this action to the United States Court of Appeals for the Third Circuit; and it is further

ORDERED that the Clerk shall mark this case as closed in this Court.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge